



Ohio Administrative Code

Rule 3775-4-04 Type C sports gaming proprietor licensure.

Effective: August 15, 2022

(A) An applicant for an initial or renewal type C sports gaming proprietor license must complete and submit the appropriate form(s) required by the commission and pay a nonrefundable application fee of fifteen thousand dollars and all fees necessary to cover the cost of any required criminal-records checks.

(B) An applicant for an initial or renewal type C sports gaming proprietor license must establish, by clear and convincing evidence, the applicant's suitability for licensure.

(C) In determining whether to grant, maintain, or renew a type C sports gaming proprietor license, the commission will evaluate and consider the following factors, in addition to those set forth in division (C) of 3775.03 and divisions (B) and (C) of section 3775.041 of the Revised Code:

(1) Whether the type C sports gaming proprietor and any person that controls it possesses good character, honesty, and integrity;

(2) Whether the type C sports gaming proprietor and any person that controls it possesses financial stability, integrity, and responsibility;

(3) The extent to which the type C sports gaming proprietor and any person that controls it have cooperated with the commission in connection with the background investigation;

(4) The extent to which the type C sports gaming proprietor and any person that controls it have provided accurate and complete information as required by the commission;

(5) The suitability of any material person, as determined by the executive director;

(6) The reputation and business experience of the type C sports gaming proprietor;



- (7) Whether the type C sports gaming proprietor has entered or will enter into agreements to offer sports gaming at type C sports gaming host facilities, subject to regulatory approvals;
- (8) Whether the type C sports gaming proprietor has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission;
- (9) The prospective total revenue to be collected by the state for the conducting of sports gaming;
- (10) The prospective total taxable income to be earned by the type C sports gaming proprietor's employees in the state;
- (11) The extent to which the type C sports gaming proprietor contributes to the economic development in the state; and
- (12) The extent to which the type C sports gaming proprietor has complied with the requirements of Chapters 3770. and 3772. and 3775. of the Revised Code and the rules adopted thereunder.
- (D) A type C sports gaming proprietor license expires five years after the date of licensure.
- (E) A type C sports gaming proprietor may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred eighty days before the expiration of the license.
- (F) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal type C sports gaming proprietor license must:
- (1) Pay the nonrefundable license fees as outlined in division (E)(3) of section 3775.04 of the Revised Code;
- (2) Post and maintain a surety bond of an amount necessary to cover all future license fees owed, payable to the state, which must be issued by a surety that is licensed to do business in this state, as required by division (E) of section 3775.04 of the Revised Code; and



(3) Enter into a valid contract with the state lottery commission to operate lottery sports gaming pursuant to Chapters 3770. and 3775. of the Revised Code. Failure to enter into or to maintain a contract with the state lottery commission may be cause for administrative action against the licensee.

(G) In the event the application fee paid by a type C sports gaming proprietor is insufficient to cover the actual costs of investigating the suitability of the applicant or the persons that control it, the commission may assess additional fees to cover the costs of the investigation that exceed the application fee paid under this chapter.

(H) Unless otherwise approved by the executive director, all fees must be submitted to the commission in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(I) If the executive director determines at any time that a type C sports gaming proprietor licensee has not actively offered sports gaming to patrons under the license for a continued period of one year or more, administrative action to revoke the applicable license will be taken against the licensee. Notice of the proposed action and an opportunity for hearing will be provided in the manner prescribed under Chapter 119. of the Revised Code and Chapter 3772-21 of the Administrative Code. Such administrative action will not affect any other sports gaming proprietor licenses that are held by the licensee.

(J) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.